REMARKS

Claims 1-26 are in the application. Claims 1-3 are amended herein. Prior to amendment, claims 1-26 stand rejected under 35 U.S.C. §§101, 112 ¶2.

As amended, the claims are directed to a computer readable medium encoding at least one command, for a packet data modification processor, having a specified structure. As the Office Action indicates, a computer-readable medium encoded with a data structure is patentable subject matter and complies with 35 U.S.C. §101. (*See also* MPEP §2106.01(I), computer-readable medium encoded with a computer program complies with 35 U.S.C. §101; *In re Nuijten*, 500 F.3d 1346, 1351 (Fed. Cir. 2007) (Claim 15, directed to "[a] storage medium having stored thereon a signal with embedded supplemental data," where the stored signal has certain specified properties, complies with 35 U.S.C. §101)). Hence, the 35 U.S.C. §101 rejection of the claims should, Applicant respectfully submits, be withdrawn.

Claim 1 has also been amended to clarify the relationship between the first packet, the packet address, the first portion, the second portion, the second packet, the data, and the command. As amended, claim 1 recites:

"1. A processor readable medium encoding at least one command for a packet data modification processor,

the at least one command specifying a packet address for a first packet, the packet address comprising a first portion representing a pointer to a layer of the first packet and a second portion representing a location within that layer; and

the at least one command specifying forming, modifying or replacing at least a portion of the first packet, located at the packet address, based on or using data derived from a second packet or the command itself."

Although the last clause indicates that the source of the data used in the operation may be from the command itself, this reference does not, Applicant respectfully submits, render the claim indefinite. That is because one of ordinary skill in the art would understand this reference refers to a command, such as the TXM_CMD_INSERT

command illustrated in Fig. 25, where the data is derived the data field of the command itself.

Claim 2 has been amended to cure the antecedent basis issue identified by the Examiner with respect to claim 21.

Applicant respectfully submits that, in view of these amendments, the 35 U.S.C. §112 ¶2 rejection of the claims has been overcome.

For all the foregoing reasons, Applicant respectfully submits that claims 1-26 are patentable. Consequently, the Examiner is earnestly solicited to allow all claims and pass this application to issuance. If any issues arise that could be resolved via a teleconference, the Examiner is invited to call the undersigned at (949) 759-5269.

Respectfully submitted,

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